



Moldova

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

The Constitution provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. Parliamentary elections in 2001 were generally free and fair; however, authorities in the separatist Transnistria region interfered with the ability of residents there to vote. In 2001, the Parliament elected Communist Party leader Vladimir Voronin President. The Constitution provides for an independent judiciary; however, judges were reportedly subject to outside influence and corruption.

Separatist elements, assisted by Russian military forces in the area, have declared a "Transdnister Moldovan Republic" in Transnistria between the Dniester River and Ukraine. The Government does not control this region. Unless otherwise stated, all references herein are to the rest of the country.

The Ministry of Internal Affairs is responsible for the police, and the Information and Security Service (ISS) has jurisdiction over crimes against the security of the state. Four other separate agencies--the Customs Department, the Department of Border Guards, the Center for Combating Economic Crimes and Corruption, and the Prosecutor General's Office--have law enforcement functions. The Parliament has constitutional oversight over the activities of the Ministry of Internal Affairs and the ISS. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country has a population of approximately 3.36 million, of which approximately 580,000 live in Transnistria. The country is transitioning from a centrally planned to a market economy and has a shadow economy that represents a large share of economic activity. Agriculture and food processing are the most important sectors, followed by trade, transportation, communications, and manufacturing. During the year, the gross domestic product grew approximately 8 percent and the inflation rate was approximately 12.4 percent. According to the World Bank, approximately 23 percent of the population lived below the poverty line in 2003.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistrian authorities was poor. Citizens generally had the right to change their government; however, authorities expanded their selective use of power to harass and intimidate sources of political opposition. In Transnistria, the right of citizens to change their government was severely restricted. In June, an alleged witness to the mistreatment of the "Ilascu group" during their imprisonment in Transnistria disappeared under unclear circumstances. Authorities reportedly tortured and beat some persons, particularly persons in police custody and Roma. Prison conditions remained harsh, and attempts to improve them were hampered by lack of funding. Security forces were widely believed to monitor political figures through unauthorized wiretaps and, at times, conducted illegal searches. In June, unknown persons seriously beat a journalist who had reported on possible corruption involving the Minister of Interior. During the year, libel was removed from the criminal code; however, other laws that encouraged self-censorship in the media remained. A few religious groups continued to encounter difficulties in officially registering. Societal violence and discrimination against women, children, and Roma persisted. Trafficking in women and girls remained a very serious problem. The Government maintained some limits on workers' rights.

Transnistrian authorities reportedly continued to use torture and arbitrary arrest and detention. Prison conditions in Transnistria remained harsh, and two members of the Ilascu group remained in prison despite a July ruling in their favor by the European Court for Human Rights (ECHR). Human rights groups were permitted to visit prisoners in Transnistria, but obtaining permission from the Transnistrian authorities was difficult. Transnistrian authorities mistreated and arrested one journalist from the government-controlled area, harassed independent media and opposition lawmakers, restricted freedom of association and of religion, and discriminated against Romanian-speakers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents in the country or its separatist region.

b. Disappearance

In July, Sergei Gavrilov, who was imprisoned in Transnistria during the early 1990s and allegedly witnessed the mistreatment of members of the "Ilascu Group" (see Section 1.e.) while in prison, disappeared under unclear circumstances. The Moldovan police were investigating the case at year's end.

Authorities had not completed their investigation of the 2002 kidnapping of opposition political figure Vlad Cubreacov. After continued public pressure, in June 2003, the Prosecutor General released photographs of three suspects in the case, which were published in two newspapers.

In May 2003, authorities reportedly released for lack of evidence three of five suspects detained in 2003 in connection with the 2002 disappearance of Deputy Director of the Department of Information Technologies Petru Dimitrov. As of year's end, the Ministry of Internal Affairs reported its investigation was still ongoing, but declined to release further information.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports that police employed cruel and degrading arrest and interrogation methods and that guards beat prison inmates. The law does not consider torture to be a crime, making it difficult to prosecute the abuse.

Nongovernmental organizations (NGOs) reported several cases of cruel, inhuman, or degrading treatment of prisoners and detainees. For example, the local Helsinki Committee for Human Rights reported that Petru Calamanov, who was sentenced to 10 days of administrative arrest on September 11, was beaten and interrogated without a lawyer several times during his detention. He was reportedly shocked with electric wires and beaten with an iron bar on the bottoms of his feet. Authorities denied Calamanov's lawyer and Helsinki Committee representatives permission to visit him for several days after the incident.

Conditions in most prisons in the country and in Transnistria remained harsh, and in some instances were life threatening, with serious overcrowding. Cell sizes did not meet local legal requirements or international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons. Conditions were particularly harsh in facilities for persons awaiting trial or sentencing. Amnesty International reported that one detainee, Oleg Talmazan, suffered a heart attack on March 27, but was not hospitalized until April 8, even though the ambulance called at the time of the attack recommended immediate hospitalization. Other detainees reported being denied food and water and being held in underground facilities without medical care, fresh air or ventilation, or sanitary facilities.

Local NGOs continued programs to provide medicine, warm clothes, and radios for prisoners, and the Institute of Penal Reforms continued a training program for prison staff.

To resolve the dispute between the Transnistrian city of Bender and the central Ministry of Justice over inmates with tuberculosis in a Bender prison hospital, authorities transferred inmates to a new hospital for prisoners with tuberculosis in a prison outside of Chisinau. Approximately 250 prisoners remained at the Bender prison, and Transnistrian authorities continued to cut off utilities to the facility. In August, the Supreme Court of Justice ordered the Bender prosecutor's office to take action to resolve the situation, but the prosecutor's office had taken no action by the end of the year.

Male and female prisoners were held separately. Children convicted of crimes were sent to adult prisons, where they were held in separate cells. Pretrial detainees were held separately from convicted prisoners, although there were reports of convicted prisoners remaining in detention facilities due to prison overcrowding.

Government and independent human rights observers were generally permitted to visit prisons. The Moldovan Center for Human Rights made regular prison visits during the year. The Government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners. After repeated attempts to receive permission from the Transnistrian authorities to visit the Ilascu group members, ICRC was allowed to see the prisoners for the first time in August 2003. In April, a second official visit took place.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

The national police force is the primary law enforcement body in the country. The police force is subdivided into regional and city police commissariats, which are subordinated to the Minister of Internal Affairs. Police corruption remained a problem. During

the first 7 months of the year, 119 criminal cases were brought against police officers for bribery, robbery, and abuse of office. The Prosecutor General's Office is responsible for investigating the activities of the police. An internal affairs unit, reporting to the Minister of Interior, investigated minor incidents of corruption.

Judges issue arrest warrants based on cases presented by prosecutors. Under the law, authorities must promptly inform detainees of the reason for their arrest and the charges against them. Suspects may be detained without charge for 72 hours. The Constitution provides accused persons the right to a court hearing on the legality of their arrest.

Once charged, a detainee may be released on personal recognizance pending trial; in some cases, to arrange release, friends or relatives were allowed to give a written pledge that the accused would appear for trial. The law provides for a system of bail; however, it was rarely used. Authorities generally did not release detainees accused of violent or serious crimes before trial.

Detainees had the right to a defense attorney; however, at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until they had been detained for 24 hours. Police often told persons that they were considered witnesses in a case and questioned them without a lawyer present, then changed their status to that of suspect. Detainees were often presented with the charges against them without a lawyer present. The Government requires the local bar association to provide an attorney to defendants that are unable to afford one. However, the Government was unable to pay ongoing legal fees, and defendants often did not have adequate counsel. Detainees were generally allowed access to family members.

Local and international NGOs reported arbitrary detention and arrests of Roma without cause or warrants, often without access to a lawyer (see Section 5).

In July, authorities rearrested Ivan Burgudji, an official of the Gagauz autonomous region and well-known Gagauz nationalist, for violating his parole in May. In June 2003, the Tribunal Court of Chisinau sentenced Burgudji to 5 years in prison for abuse of power and malicious hooliganism in connection with his opposition political activities. He is currently serving the remaining years of his original sentence.

On December 3, officials of the Center for Combating Economic Crime and Corruption detained the leader of the opposition Democratic Moldova Bloc and mayor of Chisinau, Serafim Urechean, 5 hours for questioning (see Section 3).

At year's end, authorities had not brought Constantin Becciev, head of the Chisinau water utility, to trial. Authorities held Becciev in preventive detention for 6 months in 2003 while investigating him for possible fraud. Critics charged that the detention was part of a broader, politically motivated campaign against persons associated with the Chisinau city government. Becciev continued to run the utility after his release.

The laws permit pretrial detention for an initial period of 30 days. The courts may extend pretrial detention to 12 months on an individual basis, based on the severity of the alleged crime. Detentions of several months were fairly frequent; in some rare cases, pretrial detention was extended for several years. As of mid-August, 2,438 out of 10,600 persons in prison were detainees awaiting trial.

It was common practice for Transnistrian authorities to detain persons suspected of being critical of the regime for periods of up to several months. On September 6, plainclothes police mistreated and arrested a cameraman from the government-owned television station, Moldova 1 (see Section 2.a.). The journalist was sentenced to 15 days in prison for "unauthorized filming in the security zone" but was released September 13 following the demands of the Joint Control Commission, which monitors compliance with the 1992 ceasefire.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, official pressure and corruption of judges remained a problem. There continued to be credible reports that local prosecutors and judges extorted bribes in return for reducing charges or sentences, and observers charged that courts were sometimes politically influenced. Political factors have played a large role in the reappointment of judges.

The judiciary consists of lower courts, courts of appeals, and the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases regarding the constitutionality of draft and final legislation, decrees, and other government acts. The Constitutional Court was the only court generally regarded as fair and objective.

The Prosecutor General's office is autonomous and answers to Parliament. It is responsible for overseeing criminal investigations, presenting charges before a court, and protecting the rule of law and civil freedoms. Prosecutors may open and close investigations without bringing the matter before a court, giving them considerable influence over the judicial process.

By law, defendants in criminal cases are presumed innocent; in practice, a prosecutor's recommendation carried considerable weight and limited a defendant's actual presumption of innocence. Trials were generally open to the public. Cases were presented to a judge or panel of judges depending on the complexity of the case. Defendants have the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an

attorney to defendants who are unable to afford one; however, since the Government was unable to pay ongoing legal fees, defendants often did not have adequate counsel. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review evidence against their clients when preparing cases. Persons who are convicted have the right to appeal to a higher court.

The Constitution provides for the right of the accused to have an interpreter both at the trial and when reviewing documents of the case; however, due to a lack of resources, persons requiring an interpreter often had their hearings repeatedly postponed. If the majority of participants agree, trials may be conducted in Russian or another language instead of Romanian.

There is no juvenile justice system, and children accused of crimes usually were tried by the criminal courts. However, in March, the Prosecutor General's Office issued a decision allowing for the assignment of specialized prosecutors to cases dealing with minors. In May, the Superior Court of Magistrates issued a similar decision, appointing judges in each region and Chisinau to specialize in cases involving minors.

The country has a military justice system, whose courts have generally the same reputation as civilian courts.

On June 2, Transnistrian authorities released Alexandru Lesco, one of four members of the "Ilascu Group" who were convicted in 1993 of killing two Transnistrian officials, after serving a 12-year sentence. On July 8, the ECHR ruled that Transnistrian authorities should release the two remaining prisoners and directed that the Moldovan and Russian governments pay damages to the prisoners. Transnistrian authorities refused to comply with the ruling, and Transnistrian leader Igor Smirnov stated they would serve the remaining 3 years of their sentences.

There were no reports of political prisoners other than those in Transnistria.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice.

It was widely believed that the security agencies conducted illegal searches, including wiretaps, without proper authorization. Courts did not exclude evidence that was obtained illegally. By law, only a judge can authorize wiretaps and may do so only if a criminal investigation is underway; however, in practice the judiciary lacked the ability to control the security organizations and the police or to prevent them from using wiretaps illegally. It was widely believed that security agencies electronically monitored residences and telephones.

During the year, police reportedly informed persons of Middle Eastern origin that they were being carefully monitored. Several opposition politicians reported that government authorities were illegally monitoring them.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the Government sometimes restricted these rights. The Government selectively applied the electoral law and the Civil Code against critics and intimidated some journalists into practicing self-censorship.

The print media expressed a wide variety of political views and commentary. The Government owned two newspapers and a news agency; national and city governments subsidized a number of newspapers. Political parties and professional organizations, including trade unions, also published newspapers, most of which had a circulation of less than 15,000 copies. The Government did not restrict foreign publications; however, most were not widely circulated due to high costs. Russian newspapers were available, and some published special Moldovan weekly supplements.

There were several independent radio stations, including one religious station. Most stations rebroadcast programs from Romania and Russia and had only a limited amount of locally produced programming. The Government controlled a radio station and a television station (Teleradio Moldova) that covered most of the country. Some local governments, including in Chisinau and Gagauzia, operated television and radio stations as well as newspapers. The country received television and radio broadcasts from Romania, Ukraine, France, and Russia. A number of cable subscribers received a variety of foreign television programs, including news programs.

The number of media outlets that were not owned and operated by the Government or a political party increased. However, many of these independent media remained in the service of, and secured large subsidies from the Government, political movements, and commercial interests.

On June 23, unknown persons seriously beat and robbed investigative journalist Alina Anghel of the independent newspaper Timpul outside her home in Chisinau. Anghel, as well as Timpul's management, associated the attack with a series of articles

that Anghel published in January suggesting officials were profiting from a business deal with an automobile importer and accusing the Minister of Interior of accepting a free automobile. After the articles were published, unknown persons reportedly began making telephone threats to Anghel that she would be physically harmed if she did not stop her investigation. A suspect was arrested on unrelated charges; however, Anghel stated publicly that she did not believe the suspect was involved in the attack.

There were no developments in the case of Nicolae Roibu, another Timpul journalist, who was attacked by unknown persons near his home in November 2003 and had his dictaphone and tape recordings stolen. Roibu associated the attack with his work and, in particular, with an interview published in October 2003 that contained material critical of President Voronin.

The law prohibits foreign governments from funding or supporting domestic publications. In practice, Romanian government-supported publications complied with the law by receiving funds from "foundations" created for this purpose. The Government did not prosecute publications receiving funds from other states. A law that a least 65 percent of broadcasting must be in the Romanian language was interpreted to mean that 65 percent of locally produced content (not total airtime) must be in Romanian.

During the year, controversy continued over alleged government control of Teleradio Moldova. In November 2003, Parliament amended the law on Teleradio Moldova to provide for the liquidation of the company, dismissal of all staff, and the creation of a new public institution. However, critics argued that this made it easier to dismiss journalists for political reasons. In August and September, Teleradio Moldova employees held public protests, charging that selection of employees for the new company was biased against journalists who were critical of the Government. Several journalists who had been dismissed brought a suit against Teleradio Moldova's administration that was ongoing at year's end.

Several international organizations sponsored a monitoring project that showed that Teleradio Moldova continued to limit coverage of the opposition and focused almost exclusively on the activities of the Government.

In February, a Chisinau court convicted the editor-in-chief of the weekly Accente, who was arrested and released in 2002, on charges of bribery; a decision on his appeal had not been made by year's end. Following the conviction, the newspaper was taken over by new leadership and some observers charged that the case was meant to put an end to Accente's critical reporting on the Government.

In February, the Audio Visual Coordinating Council (AVCC) suspended the activities of media outlets operated by the Chisinau municipality, Euro TV and Antena C radio, on the grounds that they were not properly registered as legal entities. The international community and media-related NGOs raised concern that the suspension, which some believed to be politically motivated, would deprive citizens of an alternative source of information. In April, after 2 months of protests by Euro TV and Antena C staff, the AVCC negotiated an agreement that allowed the two outlets to register and resume broadcasting.

In July, the Supreme Court rejected a complaint filed by the independent newspaper Moldavskie Vedomosti against the President's office for repeatedly refusing accreditation to its editor in chief. Moldavskie Vedomosti contested this decision, and the case was ongoing at year's end.

Journalists and media outlets continued to face libel suits under the Civil Code, which does not provide a ceiling for fines. In February, the Daac-Hermes Company filed a lawsuit alleging nearly \$2 million (24.8 million lei) in damages against the independent Romanian-language weekly newspaper Timpul for publishing "calumnious" information. In a different case, the head of the government-owned Moldovan Railroad filed a civil suit against the independent Russian-language newspaper Moldavskie Vedomosti, asking for \$50,000 (620,000 lei) for "moral damages." Both lawsuits were ongoing at year's end.

Both print and broadcast journalists reportedly practiced self censorship due to government and public figures' use of civil defamation and calumny laws and complaints from authorities about news coverage.

The Government did not restrict academic freedom.

Of the two major newspapers in Transnistria, one was controlled by the separatist authorities, and the other by the Tiraspol city government. There was one independent weekly newspaper in Bender and another in the northern Transnistrian city of Ribnitsa. At times, the independent newspapers criticized the Transnistrian regime, for which the separatist authorities harassed them. Other print media in Transnistria did not have a large circulation and appeared only on a weekly or monthly basis; some of them also criticized local authorities. Most Moldovan newspapers did not circulate widely in Transnistria, although they were available in Tiraspol.

During the year, Transnistrian authorities used threats of violence to force schools to curtail teaching in the Romanian language using Latin script, rather than Cyrillic script (see Section 5).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The Transnistrian authorities usually did not permit free assembly, and on those occasions when they did issue permits for demonstrations, they often harassed organizers and participants.

The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, the Constitution also prohibits organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country. Small parties that favor unification with Romania charged that this provision is intended to impede their political activities; however, no group has been prevented from forming as a result of this provision. Private organizations, including political parties, were required to register, but applications were approved routinely.

The law provides that the Ministry of Justice may suspend a party for up to 1 year for violating the Constitution or the law if it does not desist in an illegal activity after receiving a written warning. During election campaigns, only the Supreme Court of Justice may suspend a party's activity.

Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges. For example, in June, the Transnistrian authorities prevented a human rights seminar in Tiraspol organized by opposition Transnistrian lawmakers and Moldovan NGOs. One NGO representative was allowed to enter Transnistria, but upon his arrival, he and the lawmakers were assaulted by a crowd, which splashed them with paint, sour milk and eggs. The NGO representative claimed Transnistrian law enforcement was complicit in the assault.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of some religious groups. There is no state religion; however, the Moldovan Orthodox Church received some special treatment from the Government. For example, the Metropolitan of Chisinau and All Moldova and other high-ranking Orthodox Church officials have been issued diplomatic passports.

The law requires religious groups to register with the State Service for Religions (SSR). Unregistered religious groups are not permitted to buy land or obtain construction permits for churches or seminaries. The SSR may ask a court to annul the registration of a group if its activities are found to be political or harm the independence, sovereignty, integrity, security, or public order of the country.

At year's end, the SSR had not registered the True Orthodox Church of Moldova, despite a 2002 Supreme Court ruling in the Church's favor. The SSR and the Government attempted a variety of appeals and were still ordered to register the Church. According to the SSR, the wording of the Court decision, which obliges the Government rather than the SSR to register the Church, has prevented the Church's registration. The Church of Jesus Christ of Latter-day Saints (Mormons) and the Spiritual Organization of Muslims in Moldova also continued to encounter bureaucratic obstacles to registration. The SSR claimed the application of the Mormons was pending, while the SSR monitored the activities of the church. In the case of the Muslims, the SSR claimed they failed to present the necessary documents for registration.

The law prohibits "abusive proselytizing," which is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." However, the Government has not taken legal action against individuals or organizations for proselytizing.

Nondenominational "moral and spiritual" instruction is mandatory for primary school students and optional for secondary and university students. During the year, the Ministry of Education began implementing the program by introducing it in the first through third grade. Some schools have a specific class on religion, but student participation requires parental consent.

The legal provision that provides for restitution of property confiscated during the Nazi and Soviet regimes to politically repressed or exiled persons has been extended to religious communities; however, claims of the Moldovan Orthodox Church have been favored over those of other religious groups, and the Church has recovered nearly all of its property. In cases where property was destroyed, the Government offered alternative compensation. However, property disputes between the Moldovan and Bessarabian branches of the Orthodox Church have not been resolved and, representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. The Jewish community has experienced mixed results in recovering its property but has no claims that are still pending. Members of the Molocan community had a property claim that remained unresolved at year's end.

The Spiritual Organization of Muslims reported that police frequently showed up at their local office during Friday prayers, checked participants' documents and took pictures. On March 5, the police raided their meeting place after Friday prayers, detained several members, and subsequently deported three Syrian citizens for not having proof of legal residence. The authorities claimed the services were illegal because the organization was not registered and because the meeting place was not being used in accordance with the organization's status as a charity.

The Baptists reported interference from government authorities in construction of places of worship. In May, authorities stopped construction of a Baptist church in the village of Capriana and opened an investigation into the legality of the project; however, the Baptists and the local mayor claimed that all the necessary permits and legal documents, which were issued in 2001, had been obtained legally.

Between March 14 and March 30, unknown persons desecrated more than 70 tombstones in the Jewish cemetery in the Transnistrian city Tiraspol. Swastikas and other Nazi symbols were painted on monuments, and many tombstones were damaged beyond repair. On May 4, unknown persons unsuccessfully attempted to set the Tiraspol synagogue on fire with a Molotov cocktail. Transnistrian authorities believed the attacks were perpetrated by the same individuals and claimed they were investigating the incidents. They had not made any arrests in either case by year's end.

There were no developments in the February 2003 destruction by unknown persons of eight tombstones in a Jewish cemetery in Balti. According to a leading Rabbi in Chisinau, it was not clear whether the act was motivated by anti-Semitism.

Members of Jehovah's Witnesses from various regions of the country have complained that local town councils and Orthodox priests and their adherents had impeded their ability to practice their religion freely. In November 2003, the mayor and residents of the village of Cruzesti physically blocked members of Jehovah's Witnesses from the public cemetery for not respecting the customs of the Orthodox religion. Baptists have also reported that local townspeople physically and verbally abused them at the instigation of local Orthodox priests.

There were a few reports of negative press articles about non Orthodox religions. Members of Jehovah's Witnesses were the target of articles criticizing their beliefs and legitimacy, and the Baptists in Transnistria claimed that press reports about their religion were negative.

In recent years, Transnistrian authorities have denied registration to Baptists, Methodists, and the Church of the Living God. Unregistered religious groups were not allowed to hold public assemblies, such as revival meetings. The law in Transnistria prohibits renting houses, premises of enterprises, or "cultural houses" for prayer meetings. Transnistrian authorities have told evangelical religious groups meeting in private homes that they did not have the correct permits to use their residences as churches. The Jehovah's Witnesses in Transnistria have reported several incidents of administrative fines and unjust arrests of their members.

In July, the Transnistrian Supreme Court ruled to limit the activities of the Jehovah's Witnesses to the city of Tiraspol; however, the court rejected the Tiraspol public prosecutor's 2002 request to annul the group's registration and prohibit its activities altogether. Transnistrian authorities reportedly accused Jehovah's Witnesses of lacking patriotism and spreading Western influence and reportedly developed school teaching aids that contained negative and defamatory information regarding the Jehovah's Witnesses.

Non-Orthodox groups in Transnistria complained that they were generally not allowed to rent property and were often harassed during religious services.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and law provide for these rights, and the Government generally respected them in practice; however, Transnistrian authorities sometimes restricted travel to and from the separatist region.

Transnistrian authorities applied a transit fee to Moldovan nationals crossing through Transnistria and often stopped and searched incoming and outgoing vehicles and hindered movement by representatives of the Organization for Security and Cooperation in Europe (OSCE) and U.N. agencies on several occasions. Transnistrian authorities prevented farmers from Government-controlled villages in the Dubassari region of Transnistria from traveling to areas outside Transnistria to sell their produce and, in some cases, blocked farmers' access to their fields.

The law prohibits forced exile, and the Government did not employ it.

Citizens generally were able to depart from and return to the country freely; however, there were some restrictions on emigration. Persons wishing to emigrate must meet all outstanding financial obligations to other persons or legal entities before emigrating. Close relatives who are dependent on a potential emigrant for material support must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets; however, no such cases have been reported for several years.

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status and asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. However, Amnesty International reported that Chechen asylum-seekers experienced delays in having their applications adjudicated and in some cases no decisions were taken.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice in most of the country through periodic, free, and fair elections held on the basis of universal suffrage; however, authorities in Transnistria restricted this right.

The Constitution provides for a parliamentary form of government with a president as head of state and a prime minister as head of government. Parliament elects the president, who appoints the prime minister, who in turn names a cabinet. Parliament must approve both the prime minister and the cabinet. A three-fifths vote by secret ballot in Parliament is required to elect a president.

In 2001, citizens voted in multiparty parliamentary elections that the OSCE considered to be generally free and fair; however, election observers noted some shortcomings, such as inaccurate and incomplete voter lists and excessively restrictive media provisions in the Electoral Code. Transnistrian authorities interfered with residents' ability to participate in the country's elections. International observers were not present at either the Transnistria Supreme Council elections in 2000 nor the 2001 "presidential" elections, and the elections were not considered free and fair.

Because many small parties failed to win the minimum number of votes required for representation, only three parties--the Communist Party, Our Moldova Alliance, and the Christian Democratic People's Party (PPCD) have seats in Parliament. In June, the Our Moldova Alliance joined a centrist coalition, the Democratic Moldova Bloc, which also included the extra-parliamentary Social-Liberal and Democratic parties.

The Government selectively enforced regulations, including inspections and tax auditing, for individuals and businesses that belonged to or supported opposition parties.

In May and June 2003, local elections for mayors and city councils were held nationwide. Voters also chose regional councils in all areas except the Gagauz autonomous region. International observers concluded that while the vote itself generally met international standards, the Government's conduct during the campaign fell short of the generally good record established in previous elections. The negative developments in the campaign included heavily biased state media reporting, the arrest of two opposition mayors, and the use of administrative resources for campaign purposes. The OSCE noted that the elections were preceded by a very biased media campaign, with the government media providing distorted information to voters, dedicating significant time to government candidates and allowing opposition candidates only limited time to respond. Although regulations prohibited broadcast media from presenting candidates on the news, the two main candidates for Chisinau mayor--the incumbent mayor and the Minister of Transportation and Communications--could often be seen on television in their official capacities.

A Christian Turkic minority, the Gagauz, enjoyed local autonomy in Gagauzia in the southern part of the country. Gagauz opposition figures claimed that government interference in 2002 local elections continued during the May 2003 mayoral races in the region. Two rounds of voting for the Gagauzia Popular Assembly in November 2003 generally met international standards, but were marked by irregularities including group voting, multiple voting, open voting, mobile ballot box fraud, proxy voting, and unauthorized persons in polling stations. In March, the Popular Assembly removed the opposition mayor of Comrat, accusing him of incompetence and embezzlement. The mayor argued that the Popular Assembly abused its authority and violated the laws and that he could only be removed through a court decision or a recall referendum. The international community, including the OSCE and several Western diplomatic missions, expressed its concern over the circumstances of the mayor's removal. On July 18, the interim mayor lost the mayoral election to the Communist Party candidate.

In late November, officials of the Center for Combating Economic Crime and Corruption announced they were investigating the leader of the opposition Democratic Moldova Bloc and mayor of Chisinau, Serafim Urechean, for misusing city funds and, on December 3, detained him for questioning for 5 hours. The Democratic Moldova Bloc accused the authorities of politically motivated harassment. Many local observers saw the investigation as politically timed to coincide with the electoral campaign for parliament.

Throughout the fall, the Center for Combating Economic Crime and Corruption and the Prosecutor General's Office opened criminal investigations and arrested several Chisinau city officials. The arrests were indirectly supported by President Voronin, who called the Chisinau Mayoralty "a Mafia nest" in a televised interview.

In November, the Communist majority in Parliament authorized an investigation into the businesses of opposition MP Iurie Rosca. Observers argued that the investigation was politically motivated.

In Transnistria, opposition lawmakers Alexander Radcenko and Nicolai Buchatsky were repeatedly harassed by "government"-backed NGOs. During the summer, their homes were vandalized with dye and motor oil. On December 19, Radcenko was prohibited from entering Transnistria's Supreme Soviet building by protesters who splashed him with water and burned his picture. In December, a referendum scheduled for 2005 was organized to recall Radcenko from his position in the Supreme Soviet for allegedly undermining Transnistrian society. The OSCE expressed concern over the situation and called on the Transnistrian authorities to end the harassment of Radcenko and Buchatsky.

Corruption was believed to be pervasive throughout the Government. This belief was reflected in numerous public opinion polls and widely reported by NGOs. Although the Government has acknowledged corruption to be a problem and formed special law enforcement and judicial units to combat it, some critics have charged that the Government used these units to persecute

political opponents. On October 15, President Voronin dismissed Defense Minister Victor Gaiciuc following the discovery in August of missing ammunition and weapons from a depot near the Bulboaca training range. Six Ministry of Defense employees were charged in the theft, and several more were investigated.

The law provides for free access to official information; however, there were several cases when authorities denied access to public information. During the summer, the Supreme Court rejected a complaint filed by the opposition-leaning independent newspaper Timpul against the Parliament for refusing to provide access to transcripts of several 2002 Parliament sessions. The Court ruled that Timpul had no right to the transcripts, quoting an internal regulation of the Parliament. Timpul contested the decision, and the case was ongoing at year's end.

There were 13 women in the 101-seat Parliament and 2 women in the 18-member cabinet. Speaker of Parliament Eugenia Ostapciuc was the highest-ranking female political figure in the country.

There were 49 members of minorities in the 101-seat Parliament and 1 member of a minority in the 18-member cabinet. Russian, Ukrainian, Bulgarian, Gagauz, Azeri, and Georgian minorities were represented in Parliament, with deputies elected from nationwide party lists rather than local districts.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, except in the Transnistrian region; however, officials were generally not responsive to their views.

The local Helsinki Committee for Human Rights maintained contacts with international human rights organizations, and Amnesty International maintained a satellite office in Chisinau and was active in the country. Transnistrian authorities impeded the activities of human rights groups in that region.

The Government cooperated with the OSCE, which maintained a mission in the country to assist efforts to resolve the Transnistrian conflict. The OSCE participated in the Joint Control Commission that reviews violations of the cease-fire agreement. Transnistrian authorities have occasionally limited OSCE access to the region, including to the Security Zone dividing Transnistria from the rest of country.

The law provides for three parliamentary advocates (ombudsmen) and an independent center for human rights, the Moldovan Human Rights Center. Parliament appoints the three advocates, who have equal rights and responsibilities, for 5 year terms; in practice, the parliamentary advocates dealt mostly with low-level cases. Advocates may be removed from office only by a two-thirds vote of Parliament. Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for review, and oversee the operation of the Moldovan Human Rights Center. Center personnel provided training for lawyers and journalists, visited jails, made recommendations on legislation, and organized round tables. The Moldovan Human Rights Center presents an annual report to Parliament; however, the center did not publish a report during the year, reportedly due to a lack of resources.

Transnistrian authorities have attempted to control NGOs in the region by reportedly having security officials "invite" NGO representatives to their offices and by pressuring landlords not to renew office leases for some. On June 17, officers from Transnistria's "ministry of security" "invited" Oxana Alistratova, head of the Transnistrian NGO Interaction, to their offices and interrogated her for 5 hours in the presence of her minor daughter. Upon release, Alistratove called the action "preventive intimidation" intended to discourage the activity of her NGO. In June, Transnistrian authorities forced the Helsinki Committee to cancel a 3-day human rights seminar in Tiraspol (see Section 2.b.).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides that persons are equal before the law regardless of race, sex, disability, or social origin; however, societal discrimination against women and some ethnic minorities, particularly Roma, persisted.

Women

Domestic violence against women was a widespread problem. The law does not specifically address domestic assault, and there is no law against spousal rape. Women abused by their husbands may file charges under general assault laws; however, the Government rarely prosecuted domestic assault crimes. During the first 9 months of the year, the Ministry of Internal Affairs received 3,707 domestic violence complaints, including 64 severe cases of spousal abuse, of which 29 resulted in serious bodily injury and 35 resulted in either murder or attempted murder. There were 209 cases of rape reported in the first 8 months of year. Women's groups asserted that the numbers of rapes and incidents of spousal abuse were underreported.

The Government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public and law enforcement officials how to address the problem. The city of Chisinau operated a

women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hot line for battered women.

Prostitution is not a crime; however, it is a violation of civil law that is punishable by a fine or administrative detention of up to 30 days. Prostitution was widespread, and observers noted a growing sex tourism industry, which was particularly prevalent in upscale Chisinau hotels.

Trafficking in women was a serious problem (see Section 5, Trafficking).

The law does not prohibit sexual harassment, and it was a problem.

The law provides that women and men enjoy equal rights, and in practice women received pay equal to that of men for equal work; however, women did not hold high-paying jobs in the same proportion as men. There were significant numbers of female managers in the public sector and in banking. The Ministers of Finance and Justice and the president of the country's largest bank were women. Women made up approximately 50 percent of the workforce.

Children

There is extensive legislation designed to protect children, and the Government provided supplementary payments for families with many children.

Under the Constitution, the Government is to provide free, compulsory, and universal education for 9 to 10 years, which may be followed either by technical school or other further study; the requirement may vary at the discretion of the Minister of Education. However, many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not illegal, such charges contradicted the Government's policies and resulted in many parents keeping their children at home. Statistics from NGOs and international organizations indicated that approximately 7,000 children aged 7 to 16 were not attending school at the beginning of the school year. Each year, the Government and local authorities provide assistance in amounts ranging from approximately \$7.40 (100 lei) to approximately \$22.20 (300 lei) each to children from vulnerable families to buy school supplies. The health system devoted a large portion of its limited resources to childcare, but childcare professionals considered the amount inadequate.

The law prohibits child neglect; however, child abuse is believed to be widespread. During the year, the National Center for Child Abuse Prevention registered 115 cases of abuse; however, no comprehensive statistics on the extent of the problem exist. The Criminal Code does not refer to "abuse" as such, but to forms of it: violence, neglect, forced begging, etc.. Observers alleged that women begging on the streets of Chisinau often sedated their babies in order to spend long hours begging.

Trafficking of children for the purpose of sexual exploitation and begging remained a problem (see Section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

The situation of children in orphanages was generally very poor. Due to lack of funding, children's institutions had major problems including inadequate food, "warehousing" of children, lack of heat in the winter, and disease. Statistics from local NGOs indicated that there were approximately 12,016 institutionalized children. An additional 5,000 children lived in adoptive homes, and 4,500 more lived in foster homes or with legal guardians. Not all institutionalized children were orphans; the number of children entrusted to the Government by needy parents or by parents leaving the country to look for work reportedly grew. The Government estimated that parents of approximately 20,000 children worked abroad and placed their children with boarding schools or entrusted them to relatives.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons was a very serious problem. There were reports of involvement by some government officials in this trade; however, authorities opened investigations against only low-level government officials and did not arrest or prosecute any officials during the year.

The law prohibits trafficking and provides for severe penalties, ranging from 7 years to life imprisonment. Sentences for trafficking in children range from 10 years to life imprisonment. The penalty is 15 years to life imprisonment and confiscation of property for repeated or serious offenses, such as trafficking of groups, minors, or pregnant women; through kidnapping, trickery or abuse of power; with violence; or by a criminal organization.

In the first 6 months of the year, authorities opened 244 trafficking related investigations. The Department for Juveniles and Combating Trafficking in Persons in the Prosecutor General's Office reported that, at mid-year, the Government had almost doubled the number of trafficking-related convictions over the previous year. While most of these cases were prosecuted as common "pimping" crimes, there were two convictions under the trafficking law where defendants received prison sentences of 10 and 11 years, respectively. The courts convicted 32 persons for trafficking-related activities in the first 6 months of the year, compared with 34 convictions for all of 2003. The courts gave most persons convicted of pimping either fines or suspended

sentences, although two persons were given prison sentences for aggravated pimping, one for 6 years and the other for 10 years. The Government improved cooperation with Southeast European Cooperative Initiative (SECI) countries during the year, resulting in a number of convictions abroad.

The country was a major country of origin for women and children trafficked abroad for forced prostitution and men and children who were trafficked to Russia and neighboring countries for forced labor and begging. The country was also a transit country for victims trafficked from Ukraine to Romania. Women and girls were trafficked to Turkey, Cyprus, Italy, Hungary, and the Balkan countries for prostitution. There also were reports that women were trafficked to Lebanon, Syria, Israel, Saudi Arabia, the United Arab Emirates, Portugal, France, Thailand, the United Kingdom, Spain, and Australia. NGOs reported recent cases of victims trafficked to Saudi Arabia and Afghanistan. At least one case each was recently identified in the United States and in Pakistan. Women and girls reportedly were trafficked to Italy and Greece through Romania, Serbia and Montenegro, and Albania. According to the International Organization for Migration (IOM), victims have increasingly been directed to Asia, Russia, Turkey, Western Europe, and the Middle East. Israel (via Moscow and Egypt) has become a well-established destination. The IOM reported that the country was the main origin in Europe for women and children trafficked for forced prostitution in the Balkans, Western Europe, and the Middle East and that the country was the source of more than 50 percent of the women working in prostitution in Kosovo.

While many different individuals have become trafficking victims, the primary target group is the female population between the ages of 15 and 30. The IOM reported that, of the victims they have assisted, 12 percent were minors at the time of return and 40 percent were minors at the time of their initial trafficking. Victims often came from rural areas where economic desperation had already driven many residents to look for work abroad. Women and girls typically accepted job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends, relatives, or acquaintances approached young women and offered them help getting good jobs abroad. According to the IOM, trafficking recruiters were frequently former victims, some of whom were acting under coercion. Victims were also lured by newspaper advertisements promising well-paying jobs abroad.

According to the Center for Prevention of Trafficking in Women, parents or husbands pressured some young women to work abroad. Traffickers commonly recruited women from rural villages, transported them to larger cities, and then trafficked them abroad.

Another trafficking pattern involved orphans who were required to leave orphanages when they graduated from school, usually at the age of 16 or 17, and had no funds for living expenses or continuing education. Some orphanage directors reportedly sold information on when orphan girls were to be turned out of their institutions to traffickers, who approached them as they left.

Widespread corruption and lack of resources prevented adequate border control and monitoring of traffickers, particularly in Transnistria. Border guard and migration officials' salaries were low and frequently not paid regularly, making them vulnerable to bribery.

Observers alleged that corrupt low- and high-level government officials were involved in, or routinely turned a blind eye, to trafficking crimes; however, no high-level officials were prosecuted during the year. According to the Prosecutor General's Office, one police lieutenant from the Riscani police district was convicted of trafficking women to Russia and received 5 years probation. In another case, the police were investigating officials of the Department of Youth and Sports for issuing false documents used to obtain Western visas, with the intent of either trafficking or smuggling individuals. The investigation was ongoing at year's end.

The Government took some steps to prevent the trafficking of persons and assist victims through a government working group, the National Committee on Antitrafficking. Local committees in each region of the country, and officials of various ministries and local governments were required to present reports on their antitrafficking efforts to the National Committee. During the year, the National Committee developed four working groups focusing on legislation reform, child trafficking, reintegration of victims and prevention with cochairs from international organizations assigned to each. At the end of the year, all local committees submitted reports including statistical data on the number of people who had left their district, the number of trafficking cases, as well as efforts to reintegrate and rehabilitate victims.

In September, Parliament passed a law to discourage trafficking in minors. The new initiative stipulates that minors have the right to leave the country only when accompanied by a legal guardian, a person authorized by the latter under a notarized declaration, or when permitted by child welfare authorities. The law requires that minors older than 10 have passports to leave the country, whereas before they needed only birth certificates.

A special law enforcement unit within the Ministry of Internal Affairs continued to operate, and the Government provided specialized training to trafficking investigators through the Ministry of Internal Affairs and the Ministry of Labor, funded by the OSCE and the Council of Europe. The country also participated in a SECI Human Trafficking Task Force. The Government cooperated with Belarus, Ukraine, and Russia in investigating trafficking cases, as well as with Interpol in cases in Serbia and Montenegro and the United Arab Emirates. There were no government operated assistance programs for victims.

With foreign assistance, several NGOs worked to combat trafficking through information campaigns, repatriation assistance, temporary housing and medical care for victims, and job training. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. Local NGOs operated public school programs to educate young women about the dangers of

prostitution. During the year, the IOM organized a prevention campaign around the film "Lilya 4-ever," which portrays the realities of trafficking, free of charge in cinemas and schools. The IOM also operated a women's shelter that provided temporary emergency housing, job training, and medical care. In the summer, the IOM started a new information program aimed at providing citizens who have decided to go abroad with information to help them avoid exploitation.

Persons with Disabilities

There were no reports of discrimination against persons with disabilities in employment, education, access to healthcare, or in the provision of other state services. There are no laws mandating access to buildings, and there were few government resources devoted to training persons with disabilities. The Government provided tax advantages to groups that assisted persons with disabilities. The Social Assistance Division in the Ministry of Labor and Social Protection and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Ukrainians and Russians are the two largest minorities. A Christian Turkic minority, the Gagauz, makes up a small percentage of the population and live primarily in the south of the country. Official statistics put the number of Roma at 11,600; however, the OSCE and Romani NGOs have estimated the number of Roma at 20,000 to 200,000.

Roma suffered violence, harassment, and discrimination. Local and international NGOs reported that Roma were victims of police beatings in custody, arbitrary arrest and detention, unlawful confiscation of personal property, harassment by law enforcement officials, and were subjected to societal violence and harassment. The European Roma Rights Center reported that officials discriminated against Roma with regard to housing, education, and access to public services.

The Roma were the poorest of the minority groups and often lived in segregated communities in unsanitary conditions lacking basic infrastructure. These conditions often led to segregated education with even fewer resources than in the rest of the country's schools. Many Romani children did not attend school, very few received a secondary or higher education, and there was no Romani-language education.

Minority rights and language were closely related problems. Romanian is the only official language; however, Russian has served as a language for interethnic communication and is well-established in practice. However, Russian speakers were not subject to discrimination in education or employment and a citizen has a legal right to choose the language of interaction with government officials or commercial entities. Officials are required to know both Romanian and Russian "to the degree necessary to fulfill their professional obligations." The Constitution provides parents the right to choose the language of instruction for their children, and the Government observed this right in practice.

Authorities in the separatist Transnistrian region continued to discriminate against Romanian speakers. They refused to observe the country's language law, which requires the use of Latin script, and the region's schools were required to teach Romanian using the Cyrillic alphabet. Many teachers, parents, and students objected to this requirement, asserting that it disadvantaged persons who wished to pursue higher education opportunities in the rest of the country or in Romania, where the Latin script was used.

In July, Transnistrian authorities closed four Latin script schools that were registered with the Moldovan Ministry of Education and attempted to close two more. Police forcibly closed the Latin-script schools in Ribnita and Tiraspol, removing all furniture and school materials and sealing the premises. They also closed two schools in Dubasari and Corjova; students from these schools were transferred to Latin-script schools in villages under the control of the Moldovan authorities. Police were impeded from closing a Latin-script school and orphanage in Bender by parents, teachers and children who guarded the facilities throughout August and September. Authorities claimed the institutions violated Transnistrian law, which requires the schools to register locally and to use the Cyrillic alphabet for instruction. In September, the OSCE helped negotiate a formula to allow the Latin-script schools in Bender, Dubasari, and Corjova to register, although authorities continued to impose logistical and legal hurdles to prevent the schools from functioning normally. Later, the schools in Ribnita and Tiraspol were also allowed to register for 1 year under the OSCE-negotiated formula. The Tiraspol school was scheduled to open in January 2005 after undergoing substantial repairs for damage in the summer by Transnistrian police. The Ribnita school was open but operating out of a different building after the Transnistrian authorities refused to let the school return to its original building.

Other Societal Abuses and Discrimination

There were reports of governmental and societal discrimination based on sexual orientation.

According to Gender-DocM, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church often led to public ostracism of gays, lesbians, and their families. At the third annual Gay Pride events in Chisinau in May, there were reports of groups shouting epithets and intimidating persons at the gatherings. Gender-DocM reported that there were several incidents of gay children being asked to leave home by their parents and villages shunning a family because of a gay child. The NGO reported that schoolteachers and university professors have been dismissed due to their homosexuality, and that police regularly threatened gays and lesbians with public exposure if they did not pay bribes. In 2003, the postal service in Gagauzia refused to distribute a gay-themed news magazine published by the main NGO for gay and

lesbian issues, Gender-DocM, because of its content.

In Transnistria, homosexuality was illegal and gays and lesbians were subject to governmental and societal discrimination.

Section 6 Worker Rights

a. The Right of Association

The Constitution and law provides workers the right to establish or join unions; however, there were reports that the Government attempted to pressure individual unions to leave the confederation with which they were affiliated and join a confederation that supported government policies. Approximately 50 percent of the workforce belonged to a union.

There were two unions--the Trade Union Confederation of Moldova (TUCM) and the Confederation of Free Trade Unions Solidaritate (Solidarity). The latter advocated government positions, and the Government was widely believed to support it. After the 2001 parliamentary elections, the Government reportedly made several attempts to pressure TUCM unions to convert to Solidaritate. During the year, the Government allegedly pressured several local teachers' unions successfully to quit TUCM and join Solidaritate. The National Public Sector Union, which was a member of TUCM, split into two organizations, with one remaining in TUCM and the other joining Solidaritate. In response to these events, TUCM leaders and the International Confederation of Free Trade Unions called on the Government to stop interfering in the internal affairs of the union movement.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, the right to organize, and the right to conduct activities without government interference; however, the Government did not always respect these rights in practice (see Section 6.a.). The law provides for the right to strike; however, workers in essential services were not allowed to strike.

The Government, management, and unions negotiated national minimum wages in tripartite talks. Branch unions for particular industries negotiated with management and the ministries responsible for that industry. Tripartite negotiations could, and often did, set wages higher than the national minimum, particularly in profitable industries. At the enterprise level, union and management negotiated wages directly and could set wages higher than negotiators at the industry level. Arbitration committees typically settled workplace labor disputes. If an arbitration committee failed to settle a dispute, it could be taken to the Court of Appeals. Court decisions involving salary restitution or hiring/promotion practices were not implemented in all cases.

Government workers and workers in essential services such as health care and energy do not have the right to strike; the law provides for arbitration of disputes in these sectors with court mediation as a final option to ensure due process.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking).

d. Prohibition of Child Labor Practices and Minimum Age for Employment

The law sets standards for child labor, including minimum age for employment, hours of work, and working conditions, and prohibits the worst forms of child labor; however, the Government did not effectively enforce these protections. The law provides for 10 to 15 years' imprisonment for persons' involving children in the worst forms of child labor; under aggravated circumstances, sentences could be life imprisonment. Child labor was a problem. Due to the poor economic conditions, children were often sent to work in the fields or to find other work, and those living in rural areas often assisted in the agricultural sector.

The minimum age for unrestricted employment was 18 years. Persons between the ages of 16 and 18 were permitted to work under special conditions, including shorter workdays, no night shifts, and longer vacations.

Trafficking in persons, including trafficking of children, remained a serious problem (see Section 5, Trafficking.)

Efforts to enforce child labor laws were not sufficient to deter violations. The Labor Inspection Office in the Ministry of Labor and Social Protection is responsible for investigating possible child labor violations; however, the office has not uncovered any child labor violations since its creation in 2002.

In April, the ILO, in cooperation with the Government, established an international program for the elimination of child labor (IPEC) in the country. ILO-IPEC developed and began implementing programs to strengthen local antitrafficking committees, establish community-based youth centers, train representatives of employers' organizations and trade unions, promote

employment for at-risk youth and parents, and improve care for child victims of trafficking.

e. Acceptable Conditions of Work

During the year, the legal minimum monthly wage was raised to approximately \$17 (200 lei) for public sector employees and to approximately \$37 (440 lei) for private sector employees, neither of which provided a decent standard of living for a worker and family. The Labor Inspection Office within the Ministry of Labor and Social Protection is responsible for enforcing the minimum wage regulation and it opened some administrative cases against employers who violated it. Due to severe budgetary constraints, both the Government and private sector employers often did not meet employee payrolls and, by December, salary arrears in the public sector amounted to \$12.7 million (158 million lei).

The Constitution sets the maximum workweek at 40 hours with extra compensation for overtime, and the law provides for at least 1 day off per week.

The Government is required to establish and monitor safety standards in the workplace. The Labor Inspection Office in the Ministry of Labor and Social Protection is responsible for enforcing health and safety standards; however, health and safety standards were not adequately enforced. Workers have the right to refuse to work if working conditions represent a serious health threat; however, there were no reports that workers exercised this right in practice. In practice, poor economic conditions have led enterprises to economize on safety equipment and show little concern for worker safety. According to the Labor Inspection's preliminary data, there were 101 serious workplace accidents during the year, of which 53 resulted in deaths.